

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal Case No. 00-539-06-KI
)	
vs.)	OPINION AND ORDER
)	
ELECIA STACEY,)	
)	
Defendant.)	

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KING, Judge:

This matter comes before the Court on remand from the Ninth Circuit Court of Appeals for a determination under United States v. Ameline, 409 F.3d 1073, 1084 (9th Cir. 2005) (en banc), as to whether the sentence imposed would have been materially different had the Court known the Sentencing Guidelines were advisory.

The Court has reconsidered all of the record as originally submitted prior to sentencing. In light of the advisory Sentencing Guidelines and the factors set forth in 18 U.S.C. § 3553(a), the Court concludes that the sentence of 5 years probation originally imposed is “sufficient, but not greater than necessary.” The Court also finds it would not have exercised discretion to impose a materially different sentence if it had been free to do so when defendant was first

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sentenced. The Court, therefore, finds it is not necessary to conduct any further sentencing proceedings or to amend the original Judgment of Conviction in any manner.

IT IS SO ORDERED.

Dated this 27th day of February, 2006.

/s/ Garr M. King
Garr M. King
United States District Judge